

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

Baby L. a minor, by and through her legal guardians and next friends, DOE 1, individually and as next friend of Baby L., and DOE 2, individually and as next friend of Baby L.,

Plaintiffs,

v.

Dr. MARK ESPER, in his official capacity as Secretary for the United States Department of Defense; MICHAEL POMPEO, in his official capacity as Secretary for the United States Department of State, DONNA WELTON, in her official capacity as Assistant Chief of Mission, United States Embassy Kabul (USEK), DOE DEFENDANTS 1-20, in their official capacities,

Defendants.

Civil Action No. 3:20-cv-9

FILED UNDER SEAL

PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL

Pursuant to this Court's Order of March 4, 2020, that Plaintiff's counsel "file a notice within **seven (7) days** of this Order addressing whether Plaintiffs intend to continue to prosecute this action, after the Court's order denying Plaintiffs' motion for a temporary restraining order," Plaintiffs' counsel files this Notice of Voluntary Dismissal.

On February 27, 2020, Plaintiffs learned that State Department had facilitated the transfer of Baby L to the International Committee of the Red Cross (ICRC), for ultimate transfer to an unknown location within [REDACTED] to a person unknown to the U.S. Government or Plaintiff DOEs 1 and 2, who had chosen to remain anonymous. The transfer obviates further proceedings in this matter to secure the welfare and continued medical treatment of the minor child.

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiffs Baby L. a minor, by and through her legal guardians and next friends, DOE 1, individually and as next friend of Baby L., and DOE 2, individually and as next friend of Baby L (“Plaintiffs”), by and through the undersigned counsel, hereby notice their voluntary dismissal without prejudice of all causes of action in the Complaint brought against Defendants Dr. MARK ESPER, in his official capacity as Secretary for the United States Department of Defense; MICHAEL POMPEO, in his official capacity as Secretary for the United States Department of State, DONNA WELTON, in her official capacity as Assistant Chief of Mission, United States Embassy Kabul (USEK), DOE DEFENDANTS 1-20, in their official capacities.

Defendants have filed neither an answer or a motion for summary judgment as to the causes of action against them in this action. Dismissal is therefore appropriate under Fed. R. Civ. P. 41(a)(1)(A)(i).

Respectfully submitted,

Dated: March 11, 2020

/s/ Richard L. Mast
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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 2020, I caused a true and correct copy of the foregoing Notice of Voluntary Dismissal to be electronically filed with this Court. Service will be effectuated on all counsel of record via this Court's ECF/electronic notification system.

/s/ Richard L. Mast
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